

Advisory Opinion

IECDB AO 2005-07

May 19, 2005

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the permitted and prohibited placement of campaign signs. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B and rules in Iowa Administrative Code chapter 351.

OPINION:

In IECDB Advisory Opinion 2004-05, the Board issued an opinion on the permitted and prohibited placement of campaign/yard signs in order to clarify where such signs could be placed. That opinion was based on the statutory language enacted by the General Assembly in 2004 Iowa Acts, Chapter 1114, section 5 that created a new campaign/yard sign statute.¹ The 2005 General Assembly then passed 2005 Iowa Acts, HF 312, section 18 that amended the statute.

The Board issues this updated opinion concerning the permitted and prohibited placement of campaign signs.²

A. Campaign signs for candidates:

Permitted locations with the permission of the property owner:

1. Residential property.
2. Agricultural land belonging to a family farm operation as defined in Iowa Code section 9H.1.
3. Property leased for residential purposes including, but not limited to, apartments, condominiums, and houses.
4. Vacant lots owned by a private individual.
5. Property belonging to any business, association, or organization that is not a corporation, financial institution, or insurance company.

6. Property leased by a candidate, campaign committee, or an organization established to advocate the nomination, election or defeat of a candidate from any type of entity when the property is used as campaign headquarters or a campaign office and the placement of the sign is limited to the space that is actually leased.

7. On property owned by the state, county, city, or other political subdivision if the property is made open and available to any individual or group from the public to lawfully place any type of sign.

Prohibited locations for candidate campaign signs:

1. On any property without the permission of the property owner.

2. Any property owned by the state or the governing body of a county, city, or other political subdivision of the state including all property considered the public right-of-way unless the property is made open and available to any individual or group from the public to lawfully place any type of sign.

3. Property belonging to a corporation, financial institution, or insurance company except when leased as campaign headquarters or a campaign office and the placement of the sign is limited to the space that is actually leased.

B. Campaign signs for ballot issues:

Permitted locations with the permission of the property owner:

1. Property belonging to any individual, corporation, financial institution, insurance company, business, association, organization, or other person.

Prohibited locations for ballot issue campaign signs:

1. On any property without the permission of the property owner.

2. Any property owned by the state or the governing body of a county, city, or other political subdivision of the state including all property considered the public right-of-way unless the property is made open and available to any individual or group from the public to lawfully place any type of sign.

C. Campaign signs on Election Day:

Except on private property, campaign signs for candidates or ballot issues may not be placed on the following on Election Day:

1. Premises of any polling place.

2. Within 300 feet of an outside door affording access to any room where the polls are held or to any hallway, corridor, stairway, or other means of reaching the room where the polls are held.

3. On any motor vehicle, trailer, semitrailer, or any attachment to the preceding, if the vehicle, trailer, or semitrailer is parked on public property within 300 feet of a polling place and the sign is more than 90 square inches in size.

D. Absentee voting sites:

1. Campaign signs shall not be placed within 300 feet of an absentee voting site during the hours when absentee ballots are available in the office of the county commissioner of elections as provided in Iowa Code section 53.10.

2. Campaign signs shall not be placed within 300 feet of a satellite absentee voting station during the hours when absentee ballots are available at the satellite absentee voting station as provided in Iowa Code section 53.11.

This opinion applies solely to campaign signs for state and local campaigns as the Board does not have jurisdiction over federal candidates.

IECDB Advisory Opinion 2004-05 is hereby rescinded.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ The statute was originally cited as 68A.406B. The Code Editor subsequently renumbered the statute as 68A.406.

² The General Assembly also amended the campaign laws to change “yard sign” to “campaign sign” throughout all of Chapter 68A.